

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROSEMARY GRIFFIN,
Plaintiff,

v.

TEXAS DEPARTMENT OF STATE
HEALTH SERVICES,
Defendant.

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CASE NO. _____

NOTICE OF REMOVAL

NOW COME Defendant Texas Department of State Health Services (“TDSHS”) and respectfully shows that:

1. **Removal Provision:** This removal is pursuant to 28 U.S.C. §1441(a). In her Original Petition, Plaintiff alleges violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.* (“Title VII”); 42 U.S.C. § 1981 (“Section 1981”); the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* (“ADEA”); and the Texas Labor Code Section 21.001 *et seq.*
2. **State Action:** This action was filed in the 189th Judicial District Court of Harris County, Texas, on March 24, 2010, Cause No. 2009-77993. Plaintiff is Rosemary Griffin, an employee of Defendant TDSHS. Venue is proper in the United States District Court for the Southern District of Texas, Houston Division.

3. **Nature of the Lawsuit:** Plaintiff alleges that, during the course of her employment, she was discriminated against on the basis of her gender and age, was subject to a hostile work environment, and was retaliated against in violation of Title VII, Sections 1981, the ADEA and the Texas Labor Code.
4. **Jury Demand:** Plaintiff has requested a trial by jury in her Original Petition.
5. **Removal Requirements of 28 U.S.C. §1441:** Plaintiff's allegations regarding violation of Title VII, Sections 1981, and the ADEA raise federal questions. *See also* 42 U.S.C. §2000e-5(f)(3) ("Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this subchapter.").
7. **Compliance with Deadline:** Defendant TDSHS received notice of the suit on or about April 9, 2010. TDSHS has 30 days in which to remove. Therefore, this removal is timely.
8. **State Court Pleadings:** A true and correct copy of all process and pleadings served upon Defendant TDSHS in the state court action is being filed with this notice as required by 28 U.S.C. §1446(a).

ACCORDINGLY, Defendant TDSHS prays that this cause be removed to the United States District Court Southern District of Texas, Houston Division, pursuant to Section 1441 of Title 28 of the United States Code.

Dated: May 10, 2010

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

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First Assistant Attorney General

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Deputy Attorney General for Civil Litigation

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***ATTORNEYS FOR DEFENDANT
TEXAS DEPARTMENT OF STATE
HEALTH SERVICES***

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent *via U.S. certified mail, return receipt requested*, on May 10, 2010, to:

Woodrow Epperson
10565 Katy Freeway
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Houston, Texas 77024
Attorney for Plaintiff

/s/ Darren G. Gibson
DARREN G. GIBSON
Assistant Attorney General